

CLERK FILE No. 307000

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Honorable President

The \_\_\_\_\_  
to which was referred this file, respectfully reports that the same was consid

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Date Filed with Clerk October 18, 2004  
Received by Margaret Carter City Clerk Staff

**ACTION OF THE COUNCIL**

Referred	To
Referred	To
Referred	To
Reported	Disposition
Re-referred	To
Reported	Disposition



Pike Place Market Preservation and Development Authority (PDA)  
85 Pike Street, Room 500, Seattle, WA 98101  
phone: (206) 682-7453 fax: (206) 625-0646  
www.pikeplacemarket.org

October 14, 2004

Tyler Running Deer  
PDA Coordinator  
600 4<sup>th</sup> Avenue Floor 6  
P.O. Box 94747  
Seattle, WA 98124-4747

FILED  
CITY OF SEATTLE  
01 OCT 19 AM 11:24  
CITY CLERK

Dear Tyler,

In accordance with the City of Seattle annual reporting requirements and the PDA Charter, I have enclosed a copy of the recently revised Pike Place Market, PDA Rules and Regulations. I have also enclosed a copy of the resolution voted on in the September 28<sup>th</sup>, 2004 PDA Council meeting and approved by a unanimous vote of the Council. These rules are now in effect due to the unanimous vote of the Council.

Regard,  
  
Suzanne Nelson -- Pittle,  
Executive Assistant  
Pike Place Market, PDA

Cc: Judith Pippin, City Clerk's Office

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**Pike Place Market Preservation and Development Authority (PDA)**

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**PROPOSED RESOLUTION 04-47**  
**Adoption of Changes to PDA Rules & Regulations**  
**and Council Operating Policies**

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September 2004

- WHEREAS, through Resolution 04-16, the PDA Council created an "ad hoc" Policy Committee; and
- WHEREAS, one of the charges of the Policy Committee was to "Review PDA Charter, Rules & Regulations, the PDA Council Operating Policies and procedures for inconsistencies, duplications and contradictions"; and
- WHEREAS, the Policy Committee has reviewed these documents and has recommended certain changes to those documents; and
- WHEREAS, the Policy Committee has submitted its report to the PDA Council and adopted by the Council in Resolution 04-42;

NOW, THEREFORE, BE IT RESOLVED by the PDA Council to adopt the proposed changes to the PDA Rules and Regulations as noted on attached Exhibit A, and the proposed changes to the PDA Council Operating Policies and Procedures as noted on attached Exhibit B.

**ATTESTED:**

\_\_\_\_\_  
Robert Van Cleve  
Secretary-Treasurer

\_\_\_\_\_  
Date

**Date Approved by Council:**

**For:**

**Opposed:**

**Abstained:**

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PIKE PLACE MARKET Preservation and Development Authority

**RULES AND REGULATIONS  
OF  
THE PIKE PLACE MARKET PRESERVATION AND DEVELOPMENT  
AUTHORITY**

Revised August 2004

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ARTICLE I

COUNCIL

Section 1. Composition of the Council.

Management of all Pike Place Market Preservation and Development Authority affairs shall reside in the Council. The Council shall be composed of twelve (12) members selected as follows:

1. Within eighteen months of the issuance of the Charter, the initial Council designated in the application for the Charter, shall by resolution divide the members of the Council into four classes of three (3) members each (designated Class I, Class II, Class III, and Class IV).

2. At the regular meeting of the Council in July 1975, the terms of those members of the Council that are in Class I shall expire, provided that they shall continue in office until their successors are selected and qualified as provided in Section 6 of this Article.

3. The Council vacancies created by the expiration of the term of the Class I members shall be filled with:

- a. One member selected by the Constituency.
- b. One member selected by the Mayor.
- c. One member selected by the Council.

4. All appointments to the Council shall be subject to approval by the Seattle City Council.

5. This reappointment and confirmation procedure shall continue annually as to successive classes, so that at the regular meeting of the Council each July, a new class of Council members shall take office; provided, however, that each person so selected shall hold office for the four-year term for which he or she is selected and until his or her successor shall have been selected and qualified; and

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1 provided that there shall be no restriction on members of the Council serving successive terms.

2 6. All appointments to the Council must be in writing from the appointing body and must  
3 have the written approval of the City Council of the City of Seattle, and no appointee shall be  
4 qualified until he has signed the qualification statement described in this section.

5 Section 2. Vacancies.

6 Subject to Section 5 hereof, vacancies on the Council shall be filled by the body with  
7 authority to fill the vacated position. A vacancy or vacancies on the Council shall be deemed to exist  
8 in the case of the death, disability, resignation or removal from office of any Council member as  
9 provided herein. Upon such an occurrence, the Council shall notify the body that has the power to  
10 replace such a member and said body shall have the opportunity to select another person as Council  
11 member to fill the vacant term, subject to approval and qualification as prescribed above. If the  
12 selecting body has not selected another person as Council member to fill the vacant term described  
13 herein with two (2) calendar months from that body's receipt of notice of said vacancy, the vacancy  
14 shall be filled by the Council. Such person shall then be subject to approval and qualification as  
15 prescribed above.

16 Section 3. Removal from Office.

17 Any Council member who is absent for three (3) consecutive regular meetings may, by  
18 resolution duly adopted by a majority vote of the whole Council, be deemed to have forfeited his  
19 position as Council member.

20 Section 4. Council Appointments to the Council.

21 Each annual Council selection of a person for the Council shall be made at the regular  
22 meeting of the Council each June. Special Council selections to fill vacancies on the Council shall be  
23 made at the regular meeting after the regular meeting at which the Council resolves that a vacancy  
24 has occurred in a Council position that is subject to selection by the Council. All persons selected by

1 the Council shall qualify as prescribed above.

2 Nominations for persons to be appointed by the Council to the Council shall be made in  
3 accordance with procedures that shall from time to time be designated by resolution of the Council.

4 Section 5. Vacancies During Initial Terms.

5 The Council shall by resolution determine the manner of filling vacancies that occur during  
6 the initial terms of the initial Council.

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## ARTICLE II

9

### MEETINGS OF COUNCIL

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Section 1. Regular Meetings.

11

Regular meetings of the Council shall be held at least once every month on the fourth  
12 Tuesday of each month at 4:00 p.m. at 85 Pike Street, Room 500, Seattle; provided, however, that the  
13 Council may alter such regular meeting time and place by resolution.

14

Section 2. Special Meetings.

15

Subject to Article IX, Section 1, of the Charter of Pike Place Market Preservation and  
16 Development Authority, special meetings of the Council may be held at the place at any time  
17 whenever called by the Chairman or any two members of the Council.

18

Section 3. Notice of Meetings.

19

No notice of the regular meeting shall be required, except of the first regular meeting after  
20 any change in the time or place of such meeting adopted by resolution of the Board as above  
21 provided. Notice of such changed regular meeting, and notice of all special meetings shall be given  
22 by the Secretary or by the person or persons calling the meeting by personal communication over the  
23 telephone at least twenty-four (24) hours prior to the time of the meeting or by at least three (3) days  
24 notice by mail, telegram or written communication. If mailed, notice shall be mailed by United

1 States mail, postage prepaid, to the last known address of each Council member.

2 The business to be transacted and the purpose of any special meeting of the Council must be  
3 specified in the notice of any such special meeting. At any regular meeting of the Council any  
4 business may be transacted and the Council may exercise all of its powers.

5 This Section 3 shall be subject to the applicable provisions of Section 5 of this Article.

6 Section 4. Quorum.

7 At least seven (7) members of the Council must be present at any regular or special meeting  
8 to comprise a quorum. No business may be transacted without a quorum. Provided, however, that  
9 the lesser number in attendance at such a meeting may adjourn any meeting and the meeting may  
10 be reconvened within forty-eight (48) hours of the adjourned meeting without further notice.

11 Subject to the provisions of Article VII of the Charter that relate to actions requiring Council  
12 concurrence, the act of the majority of the members present at any meeting of the Council at which a  
13 quorum is present shall be the act of the Council. Council members present at a duly convened  
14 meeting may continue to transact business until adjournment notwithstanding the withdrawal of  
15 enough members to leave less than a quorum.

16 Section 5. Open Meetings.

17 All meetings of the Council shall be held and conducted in accordance with the Open Public  
18 Meetings Act, RCW 42.30.010-42.30.920, and special meetings may be called as therein provided. In  
19 addition, the Council may hold an executive session to consider matters enumerated in RCW  
20 42.30.110, and shall enter the cause therefor in its minutes.

21 Section 6. Actions by Written Consent.

22 Any corporate action required by the Charter, these Rules and Regulations, or the laws  
23 under which this corporation is formed, to be voted upon or approved at a duly called meeting of the  
24 Council may be accomplished and authorized by the Council without a meeting upon the unanimous

1 written concurrence thereto of all members of the Council who are entitled to vote on the matter; and  
2 upon entry of such action together with the written concurrence upon the minute book, the action  
3 shall have the force and effect as if taken at the meeting.

4 Section 7. Waiver of Notice.

5 Notice as provided in Section 3 hereof may be dispensed with as to any member of the  
6 Council who at or prior to the time the meeting convenes files with the Council of the Pike Place  
7 Market Preservation and Development Authority a written waiver of notice or who is actually  
8 present at the meeting at the time it convenes and as to meetings called to deal with an emergency  
9 involving injury or damage to persons or property or the likelihood of such injury or damage, where  
10 time requirements of such notice would make notice impractical and increase the likelihood of such  
11 injury or damage.

12 Section 8.

13 No Council member may, except as provided in Section 6, vote on any Council business by  
14 proxy or by mail.

15  
16 **ARTICLE III**

17 OFFICERS AND COMMITTEES

18 Section 1. Officers Designated.

19 The officers of the Authority shall be a Chairman, one or more Vice Chairman, a Treasurer,  
20 and a Secretary, each of whom shall be elected by the Council. Such other officers and assistant  
21 officers as may be deemed necessary may be elected or appointed by the Council. In addition to the  
22 powers and duties specified below, the officers shall have such powers and perform such duties as  
23 the Council may prescribe.

24 Section 2. Election, Qualifications and Terms of Office.

1 Each of the officers shall be elected by the Council from among its members. The officers  
2 shall be elected by the Council at the first regular meeting after the term of new or reappointed  
3 Council members commences each year, for a one-year term, and each officer shall hold office during  
4 said one-year term and until his successor is elected. Concurrent with election by the Council, each  
5 officer, upon election or re-election, shall execute in duplicate the form of Qualification Statement  
6 required by Section 13 of Ordinance 100495 of the City of Seattle adopted November 29, 1971 and  
7 approved December 1, 1971, pursuant to Chapter 177, Laws of 1971, Extraordinary Session, Sections  
8 5 and 7 (Revised Code of Washington, 35.21.660 and 35.21.670) (the "Ordinance"), and his term of  
9 office shall not be deemed to commence until such statement is signed and delivered to the office of  
10 the Council. The first officers of the Council shall be elected by the Council at its organizational  
11 meeting.

12 Section 3. Powers and Duties.

13 a. Chairman. The Chairman shall exercise the usual executive powers pertaining to  
14 the officer of Chairman. He shall be the chief executive officer of the corporation. He shall preside  
15 at all meetings of the Council. He shall be the designated agent of the corporation to receive service  
16 of process. When authorized by the Council, he shall have the power to sign and execute all deeds,  
17 bonds, contracts, and other obligations or instruments in the name of the corporation and all such  
18 instruments shall be effective, valid, and binding upon his signature alone without the necessity of  
19 adding thereto the signature of any other officer or officers of the corporation unless Ordinance  
20 100495 requires otherwise or unless otherwise required by the Charter and such authority shall  
21 include the right to endorse the transfer in blank, or otherwise, any stocks, bonds, securities, or  
22 evidence of indebtedness owned or standing in the name of the corporation.

23 b. Vice Chairman. A Vice Chairman shall act in the place of the Chairman in the  
24 absence of the Chairman, or upon disability or refusal of the Chairman to act. A Vice Chairman

1 shall have such other duties as the Chairman and Council shall designate.

2 c. Secretary. The Secretary shall be responsible for notices for all meetings of the  
3 Council, shall be responsible for keeping its minutes, shall be responsible for the seal and corporate  
4 books, shall affix the corporate seal and sign with the Chairman of the Council such instruments as  
5 require the seal or his signature, and shall make such reports and perform such other duties as are  
6 incident to his office, or are properly required of him by the Council.

7 d. Treasurer. The Treasurer shall have the care, custody of and be responsible for all  
8 funds and investments of the corporation, and shall cause to be kept regular books of account. He  
9 shall cause to be deposited all funds and other valuable effects in the name of the corporation in such  
10 depositories as may be required by law, or, if not required, as designated by the Council. In general,  
11 he shall perform all of the duties incident to the office of Treasurer. The Treasurer, together with  
12 any other officer of the Pike Place Market Preservation and Development Authority responsible for  
13 accounts and finances, shall file a fidelity bond, comparable insurance coverage or other  
14 conventionally available alternative in an amount determined by the Council before taking office,  
15 and may hold corporate office only so long as such bond or coverage continues in effect.

16 e. Delegation of Authority. The Council may delegate administrative authority for the  
17 management of the Pike Place Market Preservation and Development Authority (including, but not  
18 limited to, administrative authority for the powers and duties set forth in this Section 3) to the  
19 Executive Director of the Authority or his or her designee. Such delegation shall not operate to  
20 relieve any member of the Council of any responsibility imposed by law.

21 Section 4. Removal.

22 Provide that reasonable prior notice of the alleged reasons for dismissal is given to all  
23 Council members, a majority of the whole Council shall have the right to remove any officer from his  
24 office, but not from his position on the Council, whenever in its judgment the best interests of the

1 Pike Place Market Preservation and Development Authority will be served thereby.

2 Section 5. Vacancies

3 The Council shall fill any office which becomes vacant with a successor who shall hold office for the  
4 unexpired term and until his successor shall have been duly elected and qualified.

5 Section 6. Appointment of Committees.

6 The Council, by resolution adopted by a majority of the full Council, may designate from  
7 among its members one or more Committees, each consisting of at least three or more members, to  
8 represent the Council and, on matters other than those described in Section 21 of the Ordinance, act  
9 for and on behalf of the Council. The designation of any such committee and the delegation thereto  
10 of authority shall not operate to relieve any member of the Council of any responsibility imposed by  
11 law.

12 Section 7. Executive Committee.

13 The Executive Committee of the Pike Place Market Preservation and Development Authority  
14 shall consist of the Chairman, all Vice Chairmen, Treasurer and Secretary of the Council and one or  
15 more member(s)-at-large elected by the Council. The election, qualifications and term of office of the  
16 member(s)-at-large of the Executive Committee shall be identical to those of officers of the Council as  
17 provided herein in Section 2, 4, and 5 of this Article III.

18 Except as provided in Sections 2 and 3 of Article VII of the Charter of Pike Place Market  
19 Preservation and Development Authority, the Executive Committee shall have and exercise such  
20 powers of the Council of Pike Place Market Preservation and Development Authority as the Council  
21 shall from time to time provide by resolution.

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ARTICLE IV

CONSTITUENCY

Section 1. Purposes and Bylaws.

In addition to the purposes provided for the Constituency by City Ordinance and the Charter and Rules and Regulations of the Pike Place Market Preservation and Development Authority, the Constituency of the Pike Place Market may assume such other responsibilities as may be consistent with such Ordinance, Charter and Rules and Regulations. The purposes and providing for the governance of Constituency affairs in a manner consistent with the Pike Place Market Preservation and Development Authority Charter and Rules and Regulations.

Section 2. Regular Meetings.

Regular meetings of the Constituency shall be held at least quarterly on the second Tuesday of each quarter at 6:30 p.m. at 85 Pike Street, Room 500, Seattle. The Constituency Executive Committee may alter such regular meeting time and place by resolution. Notice of any such change in the regular meeting time and place shall be given to the Council and to the Constituency membership at least thirty (30) days prior to when the meeting occurs pursuant to such change. At each such meeting the Council or a committee thereof shall report to the Constituency to receive the advice or comments of the Constituency on matters on which the Council has acted during the preceding quarter and on matters proposed for action during the next quarter.

The chairperson of the Constituency shall preside at all meetings of the Constituency.

Section 3. Special Meetings.

Except as provided in Article IX, Section 4 of the Charter of the Pike Place Market Preservation and Development Authority, special meetings of the Constituency may be held at any place at any time whenever called by the Chairman or any six members of the Council, or by petition of the Constituency chairperson or ten Constituency members.

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1           Section 4. Notice of Meetings.

2           Notice of all meetings stating the place, day and hour shall be made by publication of notice  
3 for three days in the Seattle Times and the Seattle Post-Intelligencer, and by delivering a copy of the  
4 notice to each television station operating within the greater Seattle area and by posting a copy of  
5 the notice at the appropriate location at the Seattle Municipal Building and at the customary  
6 meeting place of the Pike Place Market Preservation and Development Authority or alternatively,  
7 notice may be given by mailing notice of the meeting stating the place, date and hour to each  
8 constituent at least ten (10) days and not more than thirty (30) days before the meeting.

9           The business to be transacted and the purpose of any special meeting of the Constituency  
10 must be specified in the notice of any such special meeting. At any regular meeting of the  
11 Constituency any business may be transacted and the Constituency may exercise all of its powers.

12           Section 5. Constituency Concurrence and Quorum Defined.

13           Constituency concurrence for those items requiring concurrence as provided in Article VIII,  
14 Section 2 of the Charter shall be as provided in Article VIII, Section 3 of the Charter.

15           At least ten members of the Constituency must be present to comprise a quorum at any  
16 meeting called for purposes other than securing the required concurrence or electing Council  
17 members.

18           No business may be transacted without a quorum provided, however, that a lesser number in  
19 attendance at such a meeting may adjourn any meeting and the meeting may be held as adjourned  
20 without further notice, and provided further that members of the Constituency who are present at a  
21 duly convened meeting may continue to transact business until adjournment, notwithstanding the  
22 withdrawal of enough members to leave less than a quorum.

23           Section 6. Open Meetings.

24           All meetings of the Constituency shall be held and conducted in accordance with Chapter

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1 250, Laws of 1971, Extraordinary Session, and special meetings may be called as therein provided.  
2 In addition, the Constituency may hold an executive session to consider matters enumerated in  
3 Chapter 250, Laws of 1971, Extraordinary Session, Section 11, and shall enter the cause therefor in  
4 its minutes.

5 Section 7. Waiver of Notice.

6 Notice as provided in Section 3 hereof may be dispensed with as to any member of the  
7 Constituency who at prior to the time the meeting convenes files with the Council of Pike Place  
8 Market Preservation and Development Authority a written waiver of notice or who is actually  
9 present at the meeting at the time it convenes and as to meetings called to deal with an emergency  
10 involving injury or damages to persons or property or the likelihood of such injury or damage, where  
11 timely requirements of such notice would make notice impractical and increase the likelihood of such  
12 injury or damage.

13 Section 8. No Voting by Proxy or Mail.

14 No member of the Constituency may vote on any business of the Constituency by proxy or  
15 mail.

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**ARTICLE V**

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CONSTITUENCY APPOINTMENTS TO THE COUNCIL

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Constituency appointments to the Council of the Pike Place Market Preservation and  
Development Authority shall be made annually at the July regular meeting of the Constituency.  
The person so selected each year shall be elected from a list of nominees nominated by a nominating  
committee together with such persons as might be nominated directly by the Constituency.  
The nominating committee for this process shall be elected by the Constituency at the  
meeting that immediately precedes the meeting at which the Constituency makes its appointment to

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1 the Council. The membership of the nominating committee shall be elected by the constituents from  
2 a list of persons nominated by the Chairman of the Council together with such persons as might be  
3 nominated by the Constituency at the meeting at which the nominating committee is selected.

4 The number of persons to be nominated for election to the nominating committee and the  
5 number of persons to be nominated by the nominating committee for election to the Council and all  
6 just and necessary procedures for completing the selection process shall also be determined by the  
7 constituents at the meeting that immediately precedes the meeting at which Constituency  
8 appointments to the Council are made.

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10 **ARTICLE VI**

11 **ADMINISTRATIVE PROVISIONS**

12 **Section 1. Books and Records.**

13 Pike Place Market Preservation and Development Authority shall keep current and complete  
14 books and records of account and shall keep minutes of the proceedings of its Council, and  
15 committees having any of the authority of the Council and the Constituency.

16 **Section 2. Corporate Seal.**

17 The following is an impression of the corporate seal of this corporation:  
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21 **Section 3. Rules of Procedure.**

22 The rules of procedure at meetings of the Council and Constituency shall be the rules  
23 contained in Roberts Rules of Order on Parliamentary Procedure, as amended, so far as is applicable,  
24 and when not inconsistent with the Rules and Regulations, the Charter, or with any resolution of the

1 Council.

2 Section 4. Indemnification of Council Members.

3 The Authority shall defend and indemnify each current or former Council member whether  
4 acting as Council member or officer of the Pike Place Market Preservation and Development  
5 Authority against all liabilities, costs and expenses which may be imposed on or reasonably incurred  
6 by him, including the amounts of any attorneys' fees and other legal costs, reasonable settlements of  
7 any claims and any judgments or fines rendered pursuant to any legal or administrative action or  
8 proceedings hereafter made or instituted in which he may be involved or be made a party by reason  
9 of his being or having been a Council member or officer of the Pike Place Market Preservation and  
10 Development Authority or by reason of any action alleged to have been taken or admitted by him in  
11 such capacity or power or willful misconduct in the performance of his duties as such Council  
12 member or officer.

13 The right of indemnification shall inure to each Council member or officer upon his  
14 appointment to the Council and in the event of his death shall extend to his heirs, legal  
15 representatives and estate. Each person who shall act as Council member or officer of this  
16 corporation shall be deemed to do so in reliance upon such indemnification and such rights shall not  
17 be exclusive of any other right which he may have.

18 Section 5. Amendment of Rules and Regulations.

19 Subject to the provisions of Sections 1, 2, and 4 of Article XI of the Charter of Pike Place  
20 Market Preservation and Development Authority, these Rules and Regulations may be amended,  
21 altered, or repealed by the affirmative vote of a majority of the whole Council at any regular or  
22 special meeting of the Council.

23

24 Revised August 2004

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